

Message Text

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UNCLAS TEHRAN 12919

E.O. 11652: N/A
TAGS: CGEN
SUBJ: MATTER OF JOHN LESLIE WEIR

REF: STATE 253101, STATE 245711, TEHRAN 10392

1. DESPITE REPEATED PRODDINGS ON THE PART OF THE EMB,
THE IRANIAN MINISTRY OF FONAFFS HAS STILL NOT RESPONDED TO OUR
NOTE OF JULY 19, 76. THE QUESTION REGARDING PROPER
PROCEDURES FOR THE TAKING OF TESTIMONY HAS BEEN REFERRED TO
THE MINISTRY OF JUSTICE WHICH IS AT PRESENT UNDERGOING
REORGANIZATION.

2. SERVICE OF SUMMONS IS A REAL PROBLEM IN IRAN SINCE ALL
DOCUMENTS MUST BE TRANSLATED INTO FARSI BEFORE THE MINISTRY
OF JUSTICE WILL CONSIDER THE CASE, AND SINCE LOCAL ATTORNEYS
SEEM TO BE RELUCTANT TO HANDLE SUCH CASES. THE EMB
HAS TAKEN DEPOSITIONS IN CASES IN WHICH THE WITNESS IS WILLING
TO COME TO THE EMB.

3. IF THE COURT OR LAWYER WOULD BE WILLING TO PAY TRAVEL COSTS
FOR THE WITNESS TO COME TO TEHRAN, EMB BELIEVES IT WOULD BE
POSSIBLE TO TAKE THE DEPOSITION HERE. WHOEVER IS REQUESTING
THE DEPOSITION WOULD ALSO HAVE TO PAY CONSULAR FEES AND
STENOGRAPHER'S FEES. IN THE PAST, THE SERVICES OF AN
EMB SECRETARY HAVE BEEN UTILIZED FOR THIS PURPOSE, BUT
SINCE WORK SCHEDULES DO NOT USUALLY PERMIT THE TAKING OF
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DEPOSITIONS DURING THE NORAMAL WORK WEEK, DEPOSITIONS MUST
BE SCHEDULED ON WEEKENDS OR AFTER HOURS.

4. IF FURNISHED WITH THE NAME OF THE PROSPECTIVE WITNESS,
THE EMB WOULD BE WILLING TO CONTACT HIM TO DETERMINE
WHETHER OR NOT HE WOULD BE WILLING TO APPEAR. WE ASSUME

HE SPEAKS ENGLISH AND THAT A TRANSLATOR WOULD NOT BE
NECESSARY.

5. THE COURT SHOULD BE ADVISED TO COMMISSION "A CONSULAR
OFFICER" TO TAKE THE DEPOSITION, RATHER THAN TO NAME ONE
OF THE OFFICERS NOW POSTED IN TEHRAN.
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